IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.3172 OF 2006

Union of India ...Appellant

vs.

Parul @ Paru Girish Sheth ...Respondent

Mr.A.N.Samant for the Appellant
Mr.S.S.Deshmukh for the Respondent.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 13,2007.

P.C.:

1. Heard Advocate for the Appellant. The challenge in this Appeal is to the Judgment and Order dated 18th November 2005 passed by the Railway Claims Tribunal where the compensation of Rs.2,00,000/- has been awarded. The case of the original Applicants is that the son of the first Applicant (the first Respondent herein) whose age was 18 years was travelling by a local train on 5th April 2002. He boarded the train at Kandivali station. He was possessing the identity card and railway season ticket. He accidentally fell down from the train at Goregaon station. He sustained injuries and as a result of the injuries, he succumbed to death. The case of the original Applicants is that the death occurred due to untoward incident within the meaning of section 123 (c) (2) of the Railways Act,1989.

2. The submission of the learned Counsel for the Appellant is that there was no evidence at all to show that the deceased

was a bonafide passenger as he was neither possessing any ticket nor a season ticket.

3. I have considered the submissions. The Tribunal has considered the evidence of the mother of the deceased in which she has stated that even on the date of the incident she has seen the railway season ticket purchased by her son. The identity card which is required to be obtained as a condition precedent for possessing the season ticket was found with the deceased. The Tribunal has accepted the evidence of the mother of the deceased and has come to the conclusion that the deceased was possessing a valid season ticket and therefore, he was a bonafide passenger.

4. The Railway Claims Tribunal is not a civil court and the strict rules of evidence are not applicable to the trial before the Tribunal. The Tribunal has found the evidence of the mother of the deceased convincing and therefore, a finding of fact is recorded that the deceased was possessing a railway season ticket. I find no error in the view taken by the learned Members of the tribunal. Hence, Appeal is dismissed with no order as to costs.

JUDGE